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Applicant or Patentee: Gal T	rifon, et al.	Attorney's 65346/JPW
Serial or Patent No.: Not Yet	Known	Docket No.:
Filed or Issued: Herewith		, Magazaga
Title of Invention or Patent:	Method and System For Gene	rating Bursting-Messages
SMALL ENTI	STATEMENT (DECLARATION) CLA TY STATUS UNDER 37 C.F.R. \$27(C) - SMALL BUSINESS CONC	1.9(f)
I hereby declare that I am:	-	
the owner of the sma	all business concern identif	fied below.
an official of the sm	mall business concern empower below:	red to act on behalf of the
Name of Concern: Eyeblaster	Inc.	
		NV 10002
Address of Concern: 826 Broad	lway, Suite 900, New York,	N1 10003
small business concern as def \$1.9(d), for purposes of paying that the number of employees on not exceed five hundred (500) is number of employees of the bustiscal year, of the persons part-time, or temporary basis concerns are affiliates of econcern controls or has power controls or has power to controls or has power t	ig reduced fees under 35 U.S f the concern, including the persons. For purposes of the iness concern is the average employed by the business is during each pay period ach other when, either direct to control the other, or rol both.	s.C. §41(a) and §41(b), in ose of its affiliates, does is verified statement, the number, over the previous concern on a full-time, of the fiscal year, and sectly or indirectly, one a third party or parties one of conveyed to and remain
entitled		
Method and System For Gener	ating Bursting-Messages	
described in:		
the specification file application serial no patent no.	ed herewith filed fissued	
If the rights held by the above each individual, concern or obelow and no rights to the inventor, who could not qualify any concern which could not could no	re identified small business organization having rights invention are held by a sy as an independent invento	to the invention is listed ny person, other than the r under 37 C.F.R. §1.9(c)*, ousiness concern under 37
Name: N/A		
Address:		
	all Business Concern h	Nonprofit Organization
Individual Sm	all Business Concern	

<sup>a</sup>NOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

- (c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.
- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- §121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls component to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
  - (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

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Small Speicy/Small Business Concern Page -2-

I acknowledge the duty to file, in this application or patent. Notification of any change in scatus consisting in loss of entitiement to small entity scatus prior to paying, or at the time of paying, the sections of the issue fee or any maintenance fee due pater the date on which status as a small antity is no longer appropriate, of C.F.R. \$1.28(b)\*.

I heraby deciare that all tracements made herein of my uwn knowledge are true and that all exatements made on information and belief are believed to be crue, and further that these statements were made with the knowledge that willful false statements and the like at made are punishable by find or imprisonment, or both under is u.o.c. 51061, and that such willful false exatements may jeophtdize the validity of the application, any patent labuing theraon, or any patent to which this varified attement is directed.

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37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to \$1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to \$1.34(a) of this part.

## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND SYSTEM FOR GENERATING BURSTING-MESSAGES

the specification ( (check one)		,,		
	X is attached	hereto.		
	was filed o	n		as
	Application Serial	No		
	and was amended			··································
			(if appl	icable)
including the class	ims. as amended by any are duty to disclose to the U.S.	derstand the contents of the nendment referred to above. S. Patent and Trademark Off	fice all informa	ation known to me
		Title 37. Code of Federal R		
365(b) of any fo International Ap below. I have al	reign application(s) for p plication which designate so identified below any fo	Title 35. United States Cod atent or inventor's certificated and at least one country other reign application for patent ate before that of the earliest	te, or Section 3 or than the Un or inventor's c	865(a) of any PCT nited States, listed certificate, or PCT
Prior Foreign Ap	pplication(s)		Priority	y Claimed
<u>Number</u>	Country	Filing Date	<u>Yes</u>	<u>No</u>
137106	Israel	June 29, 2000	<u>X</u>	·
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I hereby claim the benefit under Title 35. United States Code. Section 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date	<u>Status</u>
N/A		

I hereby claim the benefit under Title 35. United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35. United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
N/A		
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## And I hereby appoint

A CONTRACTOR OF THE PARTY OF TH

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923) and Raymond A. Diperna (Reg. No. 44,063).

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

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Deciaration and Power of Allorney Fage 3 Please address oil communications. and direct all telephone cells, regarding this application to: John F. White 24,478 Rug. No. Cooper & Dunham LLP 1185 Avenue of the Americas New York New York 10036 Tel. (713) 278-0400 I hereby deplore that all statements made kerein of my own knowledge are true and that all statements made an information and belief are believed to be true; and further that these statements were made with the knowledge that willful faire statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Coult and that such wifful false statements may jeaperdise the validity of the application or any patent issued thereon Full name of sole or GAL TRAKED first jourt inventor\_ Inventor's signature Cinsenship Invant Date of signature. Residence 61 & Maprahia Screet, Richpon, Israel Past Office Address MARG AS TRAIDERCE AGGRESS T. Fug. Full name of joins ū inventor ((fany). Mir Ben-Evi jnvenior's signanica Dare of tignatives, Cinzenship Intel Residence 44 Hacesian Struct, Respans, Israel nama as residence address Post Office Address. Full name of Joint Ofer inventor (i) any). Inventor's signature Israel Date of signature, CINZONIAID\_ Residence 1 Trit Street, 80700 Azad, Tornol Post Office Address BARS AS 1051Gento address

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